

The Salisbury Planning Board held its regular meeting on Tuesday, July 12, 2005 in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Bryan Duncan, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Price Wagoner, and Charlie Walters

ABSENT: Dr. Mark Beymer, Len Clark, Bryce Ulrich, and Diane Young

STAFF: Janet Gapen, Preston Mitchell, Joe Morris, Diana Moghrabi, David Phillips, Lynn Raker, and Patrick Ritchie

Chairman **Brian Miller** called the meeting to order. Bryan Duncan offered the invocation. The minutes of the June 14, 2005 meeting were approved as published. The June 28 meeting was canceled.

ZONING MAP AMENDMENT

Chairman Miller opened the Courtesy Hearing, and Preston Mitchell made a staff presentation for the two zoning map amendment cases.

Preston Mitchell explained that an alternate zoning district could work for either of the following cases. Once public notice is made for City Council the Council has to follow what was noticed.

Z-06-05 ARC of North Carolina
15th Street – Unnumbered
Salisbury, NC 28144

LOCATION: Between 15th and 16th Streets and abutting the north line of the railroad
right-of-way

From: SFC

To: B-1

Parcels: 007-131 and 007-136

Acres: 0.75

When showing pictures of the area, Mr. Mitchell stated that Steve Weatherford, Public Services, confirmed this area is scheduled for pavement resurfacing in this budget year.

Definition

Single-Family Conservation district (SFC): This is intended primarily for the conservation of detached single-family houses and secondarily for the conversion of single-family dwellings to two-family dwellings on a conditional use basis.

Office Institutional district (B-1): This is intended primarily for the location of businesses of a service type which do not maintain a stock of goods for sale or retail trade.

Salisbury Vision 2020 Comprehensive Plan–‘Older Neighborhoods’ (Pre-1951)–has no specific policy that addresses this request; however, staff believes development meets the vision statement calling for “a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.”

The proposal to construct independent living units for the physically and developmentally challenged individuals meets the vision statement. The petitioner is seeking to secure the necessary zone district in the event that conversion to dependent care living is ever necessary. There is a precedence of a B-1 district across the street with another specialized housing facility.

Should the Planning Board not support the B-1 district, the project can still work with R-6A (Multi Family Residential), and any future conversions would simply seek new rezoning.

Staff recommends approval based on a consistency with the “housing choices” vision statement of the Salisbury Vision 2020 Comprehensive Plan and the contiguity to another B-1 district in the area that provides specialized housing. Should The Planning Board make a recommendation to City Council of R-6A, staff would support that recommendation as well.

Those speaking in favor:

Mark Perry, 131 W. Bank Street, informed the Planning Board that he is on the Board of Directors of the local organization of ARC of NC. Family Crisis is zoned B-1 across the street. There will be four individuals with physical and/or mental disabilities served at this facility in the future. HUD is providing the financing for the project, so there are some pretty strict guidelines. The rezoning is an effort to provide more flexibility in the future should the need arise. There will be approximately 2,000 sq. ft. with a common area for things like a washer/dryer. The local ARC will provide all maintenance. There will probably be fencing, like that across the street, to protect residents from the train tracks.

Those speaking in opposition: None

Board Discussion and Decision:

Sandy Reitz expressed that her experience with the local ARC has been very positive, and she supports them wholeheartedly. She made a motion to recommend approval for Z-06-05 as submitted. Albert Stout seconded the motion with all members voting AYE. (8-0)

The next case is an “S” district that gives City Council the authority to rezone land, but to limit the number of uses.

Z-07S-05 Ricky Taylor Marsh
421 N. Long Street

LOCATION: Along south edge of Long Street, second lot south and west of Cemetery Street.
From: R-6
To: BCS-S
Parcel: 016-018
Acres: 0.22

This property is currently zoned Single & Two-Family Residential district (R-6). This is intended primarily as a residential district including detached single-family houses and duplexes, along with their customary accessory buildings and structures, and to establish areas for a density of development relative to the lot size requirements of this district.

Business Convenience Service Special district (BCS-S) is intended primarily for the location of convenience services and retailing of merchandise specifically for the adjacent neighborhood(s). All storage of goods and merchandise must be entirely within an enclosed building. The requested S-District is identical to the general BCS district, except that an S-District Permit is required, which may allow one or more permitted uses that are permitted by right in the BCS district. City Council may place additional provisions or restrictions on the S-District Permit.

This neighborhood falls under The Park Avenue Redevelopment Plan, which was adopted in 1998. The plan provides a guide for implementation of the vision that the residents developed for their community. There are three primary strengths:

- Historic buildings and streets
- Proximity to downtown
- Solid base of stable, loyal residents

This property is within the Long Street Corridor Study District, which comprises a group of commercial and light industrial buildings, as well as some older houses, along a street with a non-pedestrian character. This area is critical to forming a connection with downtown. One goal for this study district is the renovation of the existing homes along North Long Street to become professional offices.

This property also fall within The Salisbury Vision 2020 Comprehensive Plan—"Older Neighborhoods" Policy N-7 of this section calls for neighborhood-scaled retail and services along planning and neighborhood edges—as well as along major intersections.

Provision of basic necessities and services will further the Park Avenue goals to forge that link between the Long Street Corridor of the neighborhood and Downtown.

BCS-S allows City Council to limit uses to professional offices and lesser uses with the exception of the requested barber/beauty shop.

Mr. Marsh hopes to market this property as a professional office or a beauty shop. The “S” district would permit only the barber/beauty shop use out of the BCS list.

Staff’s recommendation is to approve based on consistency with the 1998 Park Avenue Neighborhood Redevelopment Plan, consistency with the Salisbury Vision 2020 Comprehensive Plan and subject to the following conditions:

1. All uses normally permitted in the BCS district be prohibited except for the barber shop and beauty salon and all cumulative uses allowed by right in districts less intensive than the BCS district remain allowed by right.
2. Any and all development associated with this site is conducted under the B-1 district regulations and requirements.

Those speaking in favor: none

Those speaking in opposition: none

Board discussion:

Lou Manning asked for clarification on the reasoning for rezoning to BCS-S zoning to allow the barber/beauty shop; why not add the use to B-1. Mr. Mitchell had considered the same choice and the Zoning Administrator, David Phillips, explained that you could not add a single use to B-1, but you could delete other uses from BCS. An option would be to write a text amendment to B-1 that would add barber/beauty shop as a use.

Mr. Manning stated that the Park Avenue neighborhood had worked hard to prevent any more grocery stores to that neighborhood. He has fears that other BCS uses would be added. Barber/beauty shop is the only BCS use that would be allowed. Staff believes a general BCS district is inconsistent with the Park Avenue plan.

Mr. Miller asked how that would convert to the new ordinance; he also had concerns about picking and choosing uses and creating a myriad of “S” districts. Mr. Mitchell stated that North Carolina gives City Council the authority to create an “S” district. Normally uses are not considered in a rezoning case. The new code will still have “S” districts.

Lou Manning made a motion to recommend approval of Z-07S-05 as submitted. It appears to follow the Park Avenue Redevelopment Plan and safeguards are in place to satisfy the neighborhood.

1. All uses normally permitted in the BCS district will be prohibited except for the barber /beauty salon and all cumulative uses allowed by right in districts lesser intensive than the BCS district remain allowed by right.
2. Any and all development, including signage, associated with this site is conducted under the B-1 district regulations and requirements.

Albert Stout seconded the motion with all members voting AYE. (8-0)

GROUP DEVELOPMENT SITE PLANS

David Phillips, Zoning Administrator, made a staff presentation for the following:

G-09-05 American Efird with Williams Companies, Inc., 1310 Richard Street, Tax Map 007, Parcel 138, Zoning Light Industrial (M-1)

The building is over 10,000 sq. feet so this site must come before the Planning Board and through the group development process. Planning Board members received copies of correspondence and drawings in their agenda packages.

Williams Companies, Inc. submitted the application to create a staging yard for semi-trailers to be located at 1310 Richard Street. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval to the City Council of the application, as submitted. There are some utility issues that will not affect the site plan.

The staging area will be fenced and screened with Leyland Cypress to provide a visual separation from the residences across the street. About 30 trailers will be using the staging area regularly; 5-8 trailers will enter or exit per day during first shift—from 7:30 a.m.-4:30 p.m. The owner will probably increase the size of the driveway; they can increase up to 50 feet wide.

In a letter dated June 16, 2005, John Kent Bowyer, P.E. of American & Efird writes, “We recommended our drivers to use Richard Street to enter and exit our facility. We feel the traffic pattern used in the past has minimized any interruption to the surrounding community.

Those speaking in favor: None

Those speaking in opposition:

Esther Brower, 202 E. 14th Street, lives right across the street. She is not opposed to the staging area, but she does have concerns about the trailers riding over her property and ruining the grass. There is currently a water drainage problem that causes the street to flood, and she hopes that this will not make the condition worse.

Deborah Munger, 2114 Peacock Drive, Lexington, NC stated that her mother lives across the street from the grassy area and she too has concerns about flooding. She added that dust can be a problem and requested something like gravel be added to the staging area.

David Phillips said that the Engineering Division has looked at the water runoff and the development will have little impact on the current water issues. Patrick Ritchie explained the flow of an existing pipe under the ditch; there is very little grade difference. It would take the cooperation of the railroad to lower their pipe to increase flow slightly. There is no easy solution to current flooding. The owner will have to show the County an erosion control plan.

Lou Manning made a motion to approve G-09-05 as submitted with the recommendation that the owner examine the exit to E. 14th Street to be certain that trailers are not damaging neighboring property. Albert Stout seconded the motion with all members voting AYE. (8-0)

City Council will consider G-09-05 at the July 19 Council meeting.

COMMITTEE SCHEDULING

Committee 1—The North Main Small Area Study continues to prepare for a neighborhood meeting. The first community meeting on the North Main Street Small Area Plan will be held Thursday, July 21 at 6 p.m. at the Henderson School Cafeteria (1215 N. Main Street). Meeting announcements will be published in the Salisbury Post and notices were mailed to residents and property owners of the area. Flyers were also distributed.

Janet Gapen passed out a draft of a handbook and reviewed the history of how this study came to committee through the action of citizens, staff, and the request of the City Council.

Rules of Procedure Committee—The Planning Board will take action on the revised Rules of Procedure at a later date. Copies will be sent again in the next agenda package.

Downtown Signage—Staff is discussing a text amendment and a committee meeting will be scheduled soon.

OTHER BOARD BUSINESS

Chairman

Mr. Miller copied the Planning Board and staff on an article concerning sprawl. He asked Mr. Mitchell to report on the training conference call that was held June 29.

Staff

Mr. Mitchell said the training conference was very informative and there was good attendance. The approach to the audience was very “legal.” Quite a bit of the discussion was about the SUPREME COURT OF THE UNITED STATES, KELO et al. v. CITY OF NEW LONDON et al. CERTIORARI TO THE SUPREME COURT OF CONNECTICUT, No. 04—108. Argued February 22, 2005—Decided June 23, 2005

The Chairman and Vice Chairman will each have an ongoing membership to the NCAPA. They will receive a magazine designed specifically for Planning Board commissioners and members.

There being no further business to come before the Board, the meeting was adjourned.

Brian Miller, Chairman

Lou Manning, Vice Chairman

Secretary, Diana Moghrabi